

YOUNG LAWYERS

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“BULLYPROOF”

“No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.” – Nelson Mandela

When many of us reflect on our days as elementary students, we recall childhood friends and teachers who have had a positive impact on our lives. While we may have seen some instances of bullying, those instances were usually brief and mild. Unfortunately, over the past several years, there has been a sharp increase in both the duration and intensity of school bullying. Additionally, before the technology boom, a student could at least look forward to the end of the school day for a reprieve from the bullying. Now, however, with the proliferation of smart phones,

tablets and electronic social media, bullying is no longer confined to the schoolyard or the school day.

According to the June 13 Morbidity and Mortality Weekly Report published by the Centers for Disease Control and Prevention, approximately 20 percent of students in grades 9-12 nationwide reported being bullied at school in the year preceding the survey. Approximately 15 percent of students in that same range reported being bullied via electronic means such as email, chat rooms, instant messaging, websites and texts. In West Virginia, the numbers were higher with approximately 22 percent of students experiencing bullying at school and 17 percent of students reporting bullying via electronic means.

The effects of this bullying are varied and complex. Victims of bullying can experience depression and anxiety and feelings of

loneliness and isolation. These feelings can lead to a decrease in academic performance and in tragic cases, suicide. According to statistics cited by the American Bar Association Young Lawyers Division 160,000 students in the United States stay home from school each day from fear of being bullied, more than 14 percent of high school students have considered committing suicide as a result of bullying and 7 percent have attempted suicide because of bullying. Shockingly, bullying is linked to 75 percent of school shootings.

In recognition of the harmful effects of school bullying, the West Virginia Legislature in 2001 passed the Harassment, Intimidation or Bullying Prohibition (the “Act”), W. Va. Code § 18-2C-1, et seq. The Legislature specifically found that “. . . a safe and civil environment in school is necessary for stu-

dents to learn and achieve high academic standards. The Legislature finds that harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, nonthreatening environment." W. Va. Code § 18-2C-1. Pursuant to W. Va. Code § 18-2C-3, each county school board is required to establish a policy prohibiting bullying that is adopted through a process involving parents or guardians, school employees, school volunteers, students and community members. These policies were required to be submitted to the State Superintendent of Schools by December 1, 2011. *Id.* The Act also provides immunity for school employees, students and volunteers who report bullying incidents in accordance with the procedures specified in the Act. W. Va. Code § 18-2C-4.

To assist in combating the continuing problem of school bullying, the YLD has decided to make bullying the focal point of its 2013-2014 Public Service Project. Entitled "Bullyproof: Young Lawyers Educating and Empowering to End Bullying," the project provides educational resources that help educators, parents and students, with the assistance of young lawyers, to combat bullying in our schools.

The Bullyproof Project provides educators with resources such as policies and programs that are designed to prevent bullying and taking appropriate actions when bullying does occur. Parents receive information that helps them to recognize the signs that their children are being bullied and gives them guidance to help deal with the bullying. Students receive help in understanding the nature of bullying, what to do if they are being bullied, and what they can do

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if they witness someone else being bullied. Finally, young lawyers who assist with the Bullyproof Project receive materials for assisting bullying victim advocates and representing both bullies and victims. Young lawyers are also provided with guidance on working with educators and legislators.

The process begins by sending an informational letter to a school administrator that provides statistics on bullying and information regarding the Bullyproof Project. If the school administrator is interested in the project, they can either request a copy of the program materials and make the presentation themselves or invite a young lawyer to come to

the school and make the presentation. The presentations are geared for students grades 5-12 and typically last for about one hour. At the conclusion of the presentation, the presenter hands out a "school assessment" designed to gauge the level and nature of the bullying that occurs at the subject school. This assessment also serves as a useful tool for determining the degree of success the program achieves via comparison to subsequent assessments.

The Bullyproof Project is a perfect complement to the anti-bullying statutes enacted by our Legislature. Through active participation in the project, the Young Lawyers Section of the State Bar can play an integral part in the implementation of our schools' anti-bullying programs and help put an end to the bullying epidemic.

If you are a young lawyer and are interested in participating in the Project, please contact your State Bar Young Lawyers Section District Representative. For additional information on the Bullyproof Project, you can visit http://www.americanbar.org/groups/young_lawyers/initiatives/anti_bullying_initiative.html. **WVLL**